

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: WENDY H. WASZMER\*  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Tel.: (212) 637-2729  
Fax: (212) 637-2717

\* Authorized to represent the United States in this District.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X	
MARIA VARGAS,	:
	:
Plaintiff,	:
	:
v.	:
	:
UNITED STATES POSTAL WORKERS	:
UNION, et al.,	:
	:
Defendants.	:
	:
----- X	

ECF CASE

NOTICE OF MOTION

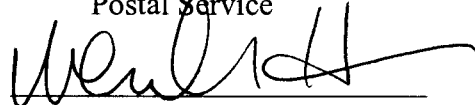
05 Civ. 4447 (BSJ)

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of defendant United States Postal Service's ("the Postal Service") Motion to Dismiss, or in the Alternative, for Summary Judgment, defendant's Local Rule 56.1 Statement, the Declaration of Mitchell Sturman, dated January 3, 2006, and the accompanying exhibits; and upon all the pleadings heretofore filed in this action, the Postal Service, by and through his attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, moves this Court for an order dismissing the Amended Complaint pursuant to Rules 12(b)(1), 12(b)(6), and 56 of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
February 3, 2006

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for Defendant United States  
Postal Service

By:



WENDY H. WASZMER  
Assistant United States Attorney  
Tel.: (212) 637-2729  
Fax: (212) 637-2717

To: LAURA DILIMETIN, ESQ.  
ANTHONY DILIMETIN, ESQ.  
Attorneys for Plaintiff  
Dilimetin & Dilimetin  
500 Fifth Avenue, Suite 1930  
New York, New York 10110

JOSEPHINE ESCALANTE, ESQ.  
Attorney for the American Postal Workers Union  
O'Donnell, Schwartz, and Anderson, P.C.  
1300 L Street, NW  
Suite 1200  
Washington, DC 20005